

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION  
AGENCY CASE NO. 2015-0021-HVAC  
(Division Case# KY-15-02-0010-CE)**

DEPARTMENT OF HOUSING,  
BUILDINGS AND CONSTRUCTION,  
and THE BOARD OF HEATING, VENTILATION, AND  
AIR CONDITIONING CONTRACTORS

COMPLAINANT

v.

**AGREED ORDER**

JEFFREY M. MELLO d/b/a LESLIE INC.  
d/b/a MELLO HEATING & COOLING

RESPONDENT

\*\*\*\*\*

1. The Department of Housing, Buildings and Construction, Division of Heating, Ventilation, and Air Conditioning ("DHBC") and the Board of Heating, Ventilation, and Air Conditioning Contractors ("HVAC Board") regulate and license heating, ventilation, and air conditioning ("HVAC") master contractors and journeyman mechanics in accordance with the provisions set forth in KRS 198B.650 through 198B.689. Additionally, the DHBC and HVAC Board enforce all statutes, regulations, and applicable code requirements related to HVAC work in the Commonwealth of Kentucky.

2. Jeffrey M. Mello d/b/a Leslie Inc. d/b/a Mello Heating & Cooling ("Respondent") was, at all relevant times herein, a Kentucky resident, located at 5510 Fern Valley Road, Suite 106, Louisville, KY 40228, and with a mailing address P.O. Box 197328, Louisville, KY 40249-7328.

3. Respondent is currently a Kentucky Master HVAC Contractor, License No. HM04925, and a Kentucky Journeyman HVAC Mechanic, License No. HJ10976, and has been since October 27, 2014.

4. On February 10, 2015, the DHBC investigated whether Respondent had obtained a permit for the HVAC work performed at 14500 River Glades Way, Prospect, KY 40059. As a result of that investigation, the DHBC discovered that Respondent had commenced HVAC work requiring a permit but had not applied for or obtained a permit before commencing the work. Respondent's failure to apply for the permit before starting the HVAC work violated KRS 198B.6671(1); 815 KAR 8:070, Section 2; and the 2013 Kentucky Residential Code, Section R105.1.

5. Accordingly, on March 12, 2015, the DHBC notified Respondent in writing of the intent to take action against his Master HVAC Contractor license and impose fines, advised him of his right to request an administrative hearing pursuant to KRS Chapter 13B, and offered him the opportunity to resolve the matter via agreed order.

6. The DHBC possesses a range of statutory and administrative authority in addressing violations of KRS 198B.650 through 198B.689, the regulations promulgated thereunder, and the Uniform State Building Code, including license revocation and suspension, and the imposition of fines in an amount up to \$1,000 per violation, with each day the violation continues constituting a separate offense. *See* KRS 198B.990(1).

7. In this case, the DHBC has imposed a fine against Respondent in the amount of two hundred fifty dollars (\$250.00) for the above-referenced violations.

8. In the interest of economically and efficiently resolving the violations described herein, the parties agree as follows:

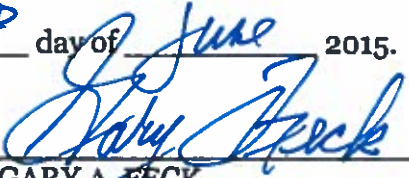
- a. Respondent agrees to and shall pay a total fine of two-hundred and fifty dollars (\$250.00), which shall be due on the date Respondent signs the Agreed Order and returns it to the DHBC, but in no event later than **April 10, 2015**. Said payment may be in the form of a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the Department of Housing, Buildings and Construction, Attn: Victoria K. Holmes, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601; or may be made by credit or debit card.
  - b. Respondent shall not engage in HVAC activity in the absence of the appropriate license and/or permit, and shall devote the time and resources reasonably necessary to ensure continual and full compliance with the Uniform State Building Code, and all statutory and regulatory requirements set forth in KRS 198B.650 to 198B.689 and 815 KAR Chapter 8; and
  - c. The DHBC agrees to pursue no further administrative action against the Respondent based upon the violations described herein.
9. Respondent waives his right to an administrative hearing or to otherwise appeal or set aside this Order.
10. Respondent consents to and acknowledges the jurisdiction of the DHBC over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.
11. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DHBC, Office of Legal Services, and each of their

members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph or Agreed Order arising out of or by reason of this investigation, this disciplinary action, this settlement, or its administration.


12. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

13. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 22<sup>ND</sup> day of June 2015.

  
\_\_\_\_\_  
GARY A. FECK  
Acting Commissioner  
Department of Housing, Buildings  
and Construction,  
Chairman of the Board of Heating,  
Ventilation, and Air Conditioning  
Contractors

**Agreed to:**  
This 22<sup>nd</sup> day of June 2015.

  
\_\_\_\_\_  
Roger Banks, Director  
Division of HVAC  
Department of Housing, Buildings and Construction

**Agreed to:**

This 9<sup>th</sup> day of June 2015.

  
\_\_\_\_\_  
JEFFREY M. MELLO

**ACKNOWLEDGEMENT**

STATE/Commonwealth of RI

COUNTY OF Providence

On this the 9 day of June, before me Maria Ramirez,  
the undersigned, JEFFREY M. MELLO did personally appear and entered into and  
executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand and Notary Public Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

My Commission Expires: \_\_\_\_\_


**MY COMMISSION EXPIRES  
APRIL 7, 2018**

  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

A true and accurate copy of the foregoing *Agreed Order* was served via U.S. Postal Service, first class, postage prepaid on this the 22<sup>nd</sup> day of June 2015, to the following:

Jeffrey M. Mello  
d/b/a Leslie Inc. d/b/a Mello Heating & Cooling  
P.O. Box 197328  
Louisville, KY 40249-7328

  
Victoria M. Kadreva Holmes  
Assistant Counsel  
Office of Legal Services  
Department of Housing, Buildings and  
Construction  
101 Sea Hero Road, Ste. 100  
Frankfort, KY 40601  
(502) 573-0365 ext. 107  
(502) 573-1057 facsimile  
Victoria.Holmes@ky.gov  
*Counsel for Complainant*